

2826

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: September 12, 2003 Signature: _____

(Steven A. Garner)

Docket No.: TESSERA.3.0-159 DIV (PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED
SEP 17 2003
TECHNOLOGY CENTER 2800

In re Patent Application of:
John W. Smith

Application No.: 09/942,363

Filed: August 29, 2001

For: MICROELECTRONIC ASSEMBLIES WITH
COMPOSITE CONDUCTIVE ELEMENTS

:
:
:
:
: Group Art Unit: 2826
:
: Examiner: P. Greene
:
:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE

Dear Sir:

Applicant submits the within communication in response to the Official Action mailed June 19, 2003.

Applicant respectfully requests reconsideration and allowance of claims 1-15 that are pending in the instant application.

Claims 1-3 and 5-9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Jimarez et al.*, U.S. Patent 6,191,952, in view of *Johnson et al.*, U.S. Patent 6,043,990. Applicant submits that *Jimarez* is not prior art, as it has a filing date of April 28, 1998. The present application is a divisional application of U.S. Patent Application Serial No. 09/243,860, filed February 3, 1999, which, in turn, claims the benefit of U.S. Provisional Patent Application Serial No. 60/073,520, filed February 3, 1998. Since this date of February 3, 1998, is prior to the filing date of *Jimarez*, this reference cannot be considered prior art. As such, applicant submits that the rejection should be withdrawn.

Claim 4 was not rejected, but instead was objected to as depending from a rejected base claim. This objection should be withdrawn, inasmuch as claim 1 is believed allowable.

The Examiner has stated that claim 14 is not being examined because claim 14 depends on a non-elected claim. Applicant respectfully requests that claims 10 and 14 be examined, as well as claims 1-9. In the Response to Requirement for Election of Species dated April 25, 2003, applicant inadvertently enumerated the elected claims as 1-9 and 14. However, all of the claims 1-10 and 14 are readable on species I as all subject matter therein is shown in Figs. 1-3. Claim 14 depends from claim 10. Therefore, applicant requests examination of claims 10 and 14 as well. As it is believed that claim 1 is allowable, and claims 10 and 14 depend directly or indirectly from claim 1, applicant submits that claims 10 and 14 are allowable.

As it is believed that all of the rejections and objections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he/she might have.

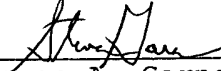
Application No.: 09/942,363

Docket No.: TESSERA 3.0-159 DIV

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: September 12, 2003

Respectfully submitted,

By 
Steven A. Garner
Registration No.: 52,475
LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP
600 South Avenue West
Westfield, New Jersey 07090
(908) 654-5000
Attorney for Applicant

451367_1.DOC